

REMARKS

This is a full and timely response to the non-final Office Action dated September 17, 2008, in which Applicants' Claim 1 was rejected, and Applicants' Claims 2-15 were objected to. By way of this Response, Applicants' Claim 1 has been amended. Reconsideration of pending Claims 1-15 is respectfully requested in view of the following remarks.

I. Claims Objections

On page 2, the Office Action objects to Applicants' Claim 1 as failing to include the article "a" before the phrase "lifting device."

Applicants' Claim 1 has been amended to correct this error.

II. Claims Rejections

On page 2, the Office Action rejects Applicants' Claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that which Applicants regard as their invention. In particular, the Office Action rejects Claim 1 under 35 U.S.C. § 112, second paragraph, for the following stated reasons:

- (i) The recitation of "it" in lines 5, 13-14 is indefinite;
- (ii) The recitation of "the locked lifting element" in lines 6-8 lacks proper antecedent basis;
- (iii) The recitation of "it can be put into motion" is indefinite since it is unclear which element the pronoun "it" refers to;
- (iv) The recitation of "the spring tension" in line 9 lacks proper antecedent basis;
- (v) The recitation of "the lifting direction" in line 12 lacks proper antecedent basis; and
- (vi) The recitation of "the locking action" in line 16 lacks proper antecedent basis.

Applicants have amended Claim 1 to address each of the items set-forth by the Office Action on pages 2-3 and listed above. With respect to items (i) and (iii), Claim 1

has been amended to replace all appearances of the pronoun “it” with the appropriate structural elements. With respect to item (ii), the phrase “the locked lifting element” has been replaced with the phrase “the lifting element, when locked,...”; it is respectfully submitted that antecedent basis for “the lifting element, when locked,...” is provided within the first clause of Claim 1, which recites the feature of “a locking device intended to cooperate with the lifting element for locking the lifting element in a spring-tensioned position.” With respect to item (iv), the preamble of Claim 1 has been amended to specify that the lifting element is “under a spring tension.” In view of this amendment, it is believed that proper antecedent basis is now provided for the recitation of “the spring tension” appearing in line 9 of Claim 1. With respect to item (v), Claim 1 has been amended to recite “*a* lifting direction” instead of “*the* lifting direction.” Finally, with respect to item (vi), Claim 1 has been amended to remove the recitation of “the locking action” appearing at the end of Claim 1.

III. Allowable Subject Matter

Applicants acknowledge with appreciation the statement appearing on page 3 of the Office Action indicating that Applicants’ Claim 1 would be allowable if rewritten to overcome the rejections asserted under 35 U.S.C. § 112, second paragraph, set-forth on pages 2-3 of the Office Action.

As indicated above, Applicants have amended Claim 1 to overcome the rejections asserted under 35 U.S.C. § 112, second paragraph. It is therefore respectfully submitted that Claim 1, as amended, is now in condition for allowance.

Applicants’ Claims 2-15 are believed allowable at least in view of their dependency from Applicants’ amended Claim 1.

IV. Conclusion

Considering the foregoing remarks and amendments, it is respectfully submitted that the Application is now in condition for allowance.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If, for some reason, Applicants have not paid a sufficient fee for this response, please consider this as authorization to charge INGRASSIA, FISHER & LORENZ, PC, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,
INGRASSIA, FISHER & LORENZ

Dated: December 16, 2008

/JUSTIN J. LEACH, REG. NO. 59,220/

Justin J. Leach
Reg. No. 59,220
Agent for Applicant
Telephone (480) 385-5060